

REMARKS

This Amendment is responsive to the Office Action dated September 2, 2008. Applicant has amended claims 7–10 and 12–13. Applicant has also canceled claims 1–6 and 14–21 from further consideration. (Applicant previously cancelled claim 11.) Claims 7–10 and 12–13 are pending upon entry of this Amendment.

Interview Summary

As a preliminary matter, Applicant thanks the Examiner for the interview conducted on November 20, 2008. Examiner Saindon and Mr. Raymond Berdie, representing Applicant, participated in the interview. During the interview, Applicant's representative provided a summary of the claimed invention(s) to the Examiner and discussed potential amendments to the claims. Applicant's representative also provided an explanation of certain claims with reference to the Specification and discussed arguments related to the prior art cited in the Office Action with the Examiner. No formal agreement was reached during the course of the interview.

Claim Cancellations

In this Amendment, Applicant has canceled claims 1–6, and 14–21 for reasons unrelated to patentability, e.g., to expedite prosecution. Cancellation of claims 1–6, and 14–21 is not in response to the arguments presented in the Office Action nor the art cited in the Office Action. Applicant reserves the right to pursue claims identical or similar to claims 1–6, and 14–21 in a continuing application. Applicant does not acquiesce as to the Examiner's remarks made with respect to these canceled claims, nor to the Examiner's interpretation of these canceled claims.

Claim Rejection Under 35 U.S.C. § 101

In the Office Action, the Examiner rejected claims 7–10, 12 and 13 under 35 U.S.C. 101, asserting that the claimed invention is directed to non-statutory subject matter. Applicant has amended claim 7, for example, to recite a computer-implemented method. Applicant has further amended claim 7 to require "executing, by a computer, an enterprise planning session." Applicant submits that claims 7–10 and 12–13, as respectively amended, are directed to statutory subject matter. Applicant therefore respectfully requests withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 12 and 13 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserted that these claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicant respectfully traverses. Claim 12 requires that reconciling comprises defining reconciliation jobs for execution by an application server to reconcile the previously received contribution data with the updated model information for the checked-in node. Claim 13 requires that reconciling comprises defining reconciliation jobs for execution by remote computers of the enterprise contributors to reconcile the previously received contribution data with the updated model information for the checked-in node. These requirements are discussed, e.g., in Applicant's Specification, paragraphs [0051]–[0052].

The Examiner also rejected claims 12 and 13 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner stated that the scope of “reconciling” is unclear. Applicant respectfully traverses. Applicant's specification also discusses elements of reconciliation, such as, for example, aggregation of contribution data (paragraph [031]), rejecting or accepting contribution data (paragraph [032]), and incorporating data into an updated model (paragraph [052]). Claims 12 and 13 distinctly claim what is meant by “reconciling”, as quoted above. Applicant therefore submits that claims 12 and 13 are patentable under 35 U.S.C. § 112 and respectfully requests withdrawal of these rejections.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 7–10 and 12–13 under 35 U.S.C. § 103(a) as being unpatentable over Elkin et al. (U.S. Application No. 2007/0179828, *hereinafter* “Elkin”) in view of Examiner's Official Notice. Applicant respectfully traverses the rejection to the extent such rejections may be considered applicable to the claims as amended. The applied references and the Official Notice fail to disclose or suggest the inventions defined by

Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

Amended claim 7, for example, requires executing, by a computer, an enterprise planning session in accordance with an enterprise planning model, wherein the enterprise planning model defines hierarchically arranged nodes associated with business logic software modules and enterprise contributors, wherein the enterprise planning session receives data provided by the enterprise contributors and automates reconciliation of the data across an enterprise that corresponds to the enterprise planning model, and wherein the enterprise planning model comprises a financial model.

The Office Action cited Elkin in support of the rejection of claim 7. Elkin, however, fails to disclose or suggest executing an enterprise planning session in accordance with an enterprise planning model as required by claim 7 as amended, where the enterprise planning session receives data provided by the enterprise contributors and automates reconciliation of the data across an enterprise corresponding to the enterprise planning model, and where the enterprise planning model comprises a financial mode. Instead, Elkin teaches a process server that presents users with task assignments as part of a workflow process model. Elkin, Abstract; paragraphs [0016], [0040]. Elkin states that the process model includes one or more processes, which include one or more tasks. Elkin describes a task as a unit of work that is performed by a person or automated computer program as a step within a process. Elkin, paragraph [0041]. Applicant's claim 1 as amended, on the other hand, requires that the enterprise planning session receives data provided by the enterprise contributors and automates reconciliation of the data across an enterprise corresponding to the enterprise planning model, and that the enterprise planning model comprises a financial mode. A process model that describes a series of processes and tasks is not a financial model for an enterprise planning session that automates reconciliation of data across an enterprise. Therefore, Elkin fails to disclose or suggest the requirements of claim 7 as amended.

Claim 7 as amended also requires checking-out an individual one of the nodes of the model for editing during execution of the enterprise planning session in accordance with the enterprise planning model, and modifying the checked-out node of the model without preventing execution of the enterprise planning session for the nodes of the enterprise planning model that are not checked-out. In support of the rejection of claim 7, the Office Action took Official Notice that modifying individual nodes is well known, citing a variety of references to support the Official Notice.

Although Applicant does not acquiesce as to the assertion of the Official Notice that it is well known to modify individual nodes of a model, Applicant respectfully submits that, even if this were true, it would still fail to disclose or suggest the requirements of Applicant's claim 7 as amended. That is, even if it were well known to modify individual nodes of a workflow model, as taught by Elkin, this would still not disclose or suggest modifying a checked-out node of an enterprise planning model without preventing execution of a corresponding enterprise planning session for the nodes of the enterprise planning model that are not checked-out, as required by amended claim 7. Likewise, the Official Notice does not address the requirements of claim 7 as amended. Therefore, Elkin in view of the Official Notice fails to teach, suggest, or disclose the requirements of Applicant's amended claim 7.

For at least these reasons, claim 7 is patentable under 35 U.S.C. § 103(a). The dependent claims, i.e., claims 8-10 and 12-13, incorporate the requirements of independent claim 7 as amended. Therefore, the dependent claims are likewise patentable. In light of the deficiencies of Elkin in view of the Official Notice discussed with respect to Applicant's amended independent claim 7, Applicant reserves further comment with respect to the dependent claims. However, Applicant reserves the right to comment further as to any of the pending claims in a future Amendment or Response, or on Appeal. Applicant also does not acquiesce as to any interpretation of Applicant's claims or the cited prior art presented in the Office Action.

For at least these reasons, the applied references fail to establish a prima facie case for non-patentability of Applicant's claims 7-10 and 12-13 under 35 U.S.C. § 103(a). Applicant therefore respectfully requests withdrawal of this rejection.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date: December 2, 2008

By:



SHUMAKER & SIEFFERT, P.A.
1625 Radio Drive, Suite 300
Woodbury, Minnesota 55125
Telephone: 651.286.8358
Facsimile: 651.735.1102

Name: Raymond R. Berdie
Reg. No.: 50,769